



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

November 27, 2006

Mr. Michael Marlowe
Senior Compliance Manager
Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133

EMERGENCY PERMIT FOR TRANSFER OF HAZARDOUS WASTE BY CLEAN HARBORS SAN JOSE AT ANTELOPE TRUCK SCALES, SACRAMENTO COUNTY

Dear Mr. Marlowe:

Clean Harbors San Jose (Clean Harbors) has requested an emergency permit to transfer hazardous waste from an overweight tanker truck into another tanker. The hazardous waste to be transferred consists of more than 300 gallons of approximately 90% water and 10% non-halogenated solvents, primarily xylene and toluene. The California Highway Patrol determined that the tanker would present a hazard on the road and would not allow the full truck either to continue to its final destination or to return to the Clean Harbors facility. As Clean Harbors does not hold a facility hazardous waste management permit for the location where the transfer would take place, the Department of Toxic Substances Control (DTSC) has determined that an emergency permit should be issued.

Based on the authority granted to DTSC, pursuant to Title 22, California Code of Regulations Section 66270.61, DTSC finds there to be imminent and substantial endangerment to human health and the environment and issues this temporary emergency permit to Clean Harbors. This emergency permit is valid from November 9, 2006 to November 12, 2006. This permit is not transferable to any other party and may not be used in any other capacity by Clean Harbors. This permit may be revoked by DTSC at any time without process, if it is determined that termination is appropriate to protect human health and the environment.

The following requirements are facility specific conditions of this permit. Failure to comply with any of the following conditions shall cause an immediate revocation of this permit pursuant to Title 22, CCR Section 66270.61(b)(4), and subject Clean Harbors to legal action by DTSC.

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1. Only the hazardous waste listed in the emergency permit application submitted by email dated November 9, 2006, may be transferred.
2. Transfer will be conducted at the Antelope truck scales where the tanker was determined to be overweight in accordance with the procedures contained in the emergency permit application and the emergency permit conditions contained in the DTSC email dated November 9, 2006.
3. The area will be inspected after the transfer operation to ensure that there is no release of hazardous waste from the area.
4. Clean Harbors shall allow inspection of records and the site by any duly authorized representative of DTSC in order to carry out the purpose of Chapter 6.5, Division 20 of the California Health and Safety Code.
5. Within two weeks of either the expiration of this permit or the completion of the transfer operation, whichever is sooner, Clean Harbors will submit two copies of a report, signed in accordance with Title 22, California Code of Regulations Section 66270.11(d). This report shall include certification that the transfer area has been cleared of all residual hazardous waste and all generated waste has been properly disposed of.

The effective date of this temporary emergency permit is from November 9, 2006 to November 12, 2006. Any deviations from the established guidelines of this permit or information submitted to DTSC, shall be reported immediately to DTSC and a written report submitted within five working days of the occurrence.

If you have any questions, please contact Ms. Beverly Rikala at (916) 255-3746 or Mr. Robert Crandall at (916) 255-3777.

Sincerely,

//original signed by//

James M. Pappas, P.E., Chief
Northern California Permitting and Corrective Action Branch

Attachment

cc: See next page.

Mr. Michael Marlowe

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cc: Ms. Orchid Kwei
Office of Legal Council
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Emergency Permit Conditions for
Clean Harbors Overweight Tanker, Antelope Scales
November 9, 2006

The transporter and the transfer operator shall ensure that the bulk transfer is performed in compliance with all of the following:

Control or restrict entry to the transfer area of persons and vehicles not involved in the transfer;

Notify the local fire authority of the intended transfer of a flammable liquid;

Provide all personnel performing the bulk transfer with respiratory protection and personal safety devices as required by the Material Safety Data Sheet for the hazardous waste and assure its use;

Park and secure both vehicles against movement before the transfer operation;

Extinguish ignition sources including smoking or running engines during the bulk transfer, except where running of an engine is necessary for power;

Inspect hoses prior to use. Hoses shall be free of defects such as leaks, kinks, bulges, cuts or soft spots;

Inspect all connections in the transfer system immediately before and immediately after the onset of pumping. Connections shall be leak-free;

Assure that the tanker into which the waste is pumped is rated by its manufacturer for, and is chemically inert with, the material being transferred;

Assure that the tanker into which the waste is pumped is free of any incompatible materials or residues;

Maintain a portable fire extinguisher on hand that bears current inspection tags and is rated by the National Fire Protection Association for protection of the material being transferred;

Deploy portable secondary containment equipment for liquids in the area under the hose and couplings. Such containment shall have a minimum capacity equal to the volume of liquid that would be pumped in 20 seconds in the event of a complete hose separation; and be sufficiently wide in cross-section, such as a pop-up wading pool or equivalent, to capture a spraying leak. Standard 55-gallon drums are not sufficiently wide;

If it is necessary to perform the bulk transfer within 100 feet upgradient of a storm drain, drainage ditch or a body of water, lay out diking material so as to block flow of liquid waste to the storm drain, drainage ditch or a body of water, in the event of a major leak that is not captured by the portable secondary containment;

Keep absorbent material near at hand to immediately absorb any leaks not captured by the secondary containment;

At all times during the transfer, maintain an unobstructed view of the transfer system, and remain near enough and able to shut down the transfer within 10 seconds in the event of a leak;

Take all necessary steps to completely empty the transfer system at the conclusion of transfer, including closing valves or shut-off devices nearest to the filled container first;

If any release of hazardous waste occurs, take all measures necessary to clean up the release so that no hazardous waste is left behind at the site of bulk transfer;

Presume that any and all waste resulting from decontamination processes is hazardous waste and collect, contain and transport to an appropriate facility accordingly;

Obtain the generator's consent to amend the original manifest and complete a new manifest to document the splitting of the original load, unless the generator is willing and able to complete this duty;

Within two weeks of the date of the bulk transfer, submit two copies of a report signed in accordance with Title 22, California Code of Regulations Section 66270.11(d). This report shall include certification that the transfer area has been cleared of all residual hazardous waste generated from this emergency permit and all generated waste has been properly disposed of, photocopies of the amended manifest and the second manifest, and a photocopy of any citation issued to the transporter by a traffic officer relating to the illegal weight of the overloaded vehicle.